

Goriune Dudukgian, AK Bar No. 0506051  
Nicholas Feronti, AK Bar No. 2106069  
**NORTHERN JUSTICE PROJECT, LLC**  
406 G Street, Suite 207  
Anchorage, AK 99501  
(907) 308-3395 (telephone)  
(866) 813-8645 (fax)  
Email: gdudukgian@njp-law.com  
Email: nferonti@njp-law.com

\*Saima Akhtar (New York Bar No. 4661237)  
**NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE**  
50 Broadway, Suite 1500  
New York, NY 10004  
(212) 633-6967 (telephone)  
(212) 633-6371 (fax)  
Email: akhtar@nclej.org

\*Margaret D. Craig (Mass. Bar No. 569130)  
\*Kelsey Tavares (Mass. Bar No. 705934)  
**DLA PIPER LLP (US)**  
33 Arch Street, 26th Floor  
Boston, MA 02110-1447  
(617) 406-6000 (telephone)  
(617) 406-6100 (fax)  
Email: maggie.craig@us.dlapiper.com  
Email: kelsey.tavares@us.dlapiper.com

\*Christopher M. Young (Cal. Bar No. 163319)  
**DLA PIPER LLP (US)**  
401 B Street, Suite 1700  
San Diego, CA 92101-4297  
(619) 699-2700 (telephone)  
(619) 699-2701 (fax)  
Email: christopher.young@dlapiper.com

\*Micah A. Chavin (Cal. Bar No. 313634)  
**DLA PIPER LLP (US)**  
1415 L Street, Suite 270  
Sacramento, CA 95814-3976  
(916) 930-3200 (telephone)  
(916) 930-3201 (fax)  
Email: micah.chavin@us.dlapiper.com

\*Bethany M. Bunge (Tex. Bar No. 24120730)

**DLA Piper LLP (US)**

845 Texas Avenue, Suite 3800

Houston, Texas 77002

(713) 425-8400 (telephone)

(713) 425-8401 (fax)

Email: bethany.bunge@us.dlapiper.com

\*Constance I. Du (Ill. Bar No. 6345766)

**DLA PIPER LLP (US)**

444 W Lake Street, Suite 900

Chicago, IL 60606-0010

(312) 368-8921 (telephone)

(312) 530-7321 (fax)

Email: constance.du@us.dlapiper.com

*\*appearing pro hac vice*

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

Della Kamkoff, John Andrew, Kayla Birch,  
Rose Carney, Tereresa Ferguson, Zoya  
Jenkins, Troy Fender, Rhonda Conover,  
Autumn Ellanna, and Nataliia Moroz, on  
behalf of themselves, and all those similarly  
situated,

Plaintiffs,

v.

Heidi Hedberg, in her official capacity as  
Commissioner of the Alaska Department of  
Health,

Defendant.

Case No.: 3:23-cv-00044-SLG

**SCHEDULING AND PLANNING CONFERENCE REPORT**

Initial Case Status Report / Case Scheduling & Planning (Revised 5/2/2019)

*Della Kamkoff et. al. v. Heidi Hedberg*; Case No.: 3:23-cv-00044-SLG

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## **I. Meeting.**

In accordance with Rules 16(a) and 26(f), Federal Rules of Civil Procedure, and with Local Civil Rules 16.1 and 26.1(b), the parties conferred on **March 28, 2024**; the following persons participated: **Saima Akhtar, Nicholas Feronti, Micah Chavin and Constance Du on behalf of the plaintiffs, as well as Lael Harrison and Justin Nelson on behalf of the defendant.** The parties recommend the following:

## **II. Discovery Plan.**

**A. Timing, Form and Disclosure Requirements.** Please refer to Rule 26(f)(3)(A), Federal Rules of Civil Procedure. Are there changes that the parties are proposing to that rule for this case under Rule 26(a)?

Yes ☐ No ☒

### **B. Initial Disclosures / Preliminary Witness Lists.**

1. The information required by Rule 26(a)(1), Federal Rules of Civil Procedure:

(a) ☐ Has been exchanged by the parties.

(b) ☒ Will be exchanged by the parties on or before: **May 1, 2024.**

2. Preliminary witness lists:

(a) ☐ Have been exchanged by the parties.

(b) ☒ Will be exchanged by the parties on or before **May 22, 2024.**

3. Disclosure Statement. The disclosure requirements of Rule 7.1, Federal Rules of Civil Procedure:

- (a) ☐ Have been complied with.
- (b) ☐ Compliance will be accomplished on or before *[date]*.
- (c) ☒ Rule 7.1 is not applicable.

**C. Subjects and Timing of Discovery.** See Rule 26(f)(3)(B), Federal Rules of Civil Procedure.

1. List the subjects on which discovery may be needed: **All of the issues raised in the Complaint and the Answer.**
2. Should discovery be conducted in phases or limited to or focused on particular issues? Yes ☐ No ☒
3. Absent good cause, the proposed date for completion of all discovery should be no later than **twelve months** from the date of this report.
4. **Final Discovery Witness List.** A final discovery witness list disclosing all lay witnesses whom a party may wish to call at trial shall be served and filed on **January 15, 2025.**<sup>1</sup>
5. **Close of Fact Discovery.** Fact discovery will be completed on or before **March 15, 2025.**

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<sup>1</sup> Each party shall make a good faith attempt to list only those lay witnesses that the party reasonably believes will testify at trial.

6. **Expert Discovery.** *See* Rule 26(a)(2), Federal Rules of Civil Procedure.

(a) Expert witnesses shall be identified by each party on or before

**October 1, 2024**, and each party may identify responsive supplemental expert witnesses within 14 days thereafter.

(b) Expert disclosures (reports) required by Rule 26(a)(2) will be disclosed:

(i) By all parties on or before **November 1, 2024**;

(ii) Rebuttal reports on or before 30 days from the service of the report being rebutted.

(c) Expert witness discovery (include depositions) shall be completed by:  
**March 15, 2025.**

**D. Preserving Discovery and Electronically Stored Information (ESI)**

1. Are there issues about the disclosure, discovery, or preservation of ESI, including the form or format in which it should be produced? *See* Rule 26(f)(3)(C), Federal Rules of Civil Procedure.

Yes ☒ No ☐

**The parties will separately file a proposed stipulated order concerning the production of ESI.**

2. Please state how ESI should be produced:

***See* section II.D.1 above. The parties will separately file a proposed stipulated order concerning the production of ESI.**

3. Are there issues with preserving non-ESI discovery?

Yes ☐ No ☒

**The parties are currently unaware of any issues with preserving non-ESI discovery. To the extent any such discovery exists, defendant shall preserve such discovery.**

**E. Claims of Privilege or Protection of Attorney Work Product** *See* Rule 26(f)(3)(D), Federal Rules of Civil Procedure.

1. ☐ There is no indication that this will be an issue.
2. ☐ The parties have entered into a confidentiality agreement.
3. ☒ The parties will file their proposed confidentiality agreement on or before: **April 19, 2024.**

**F. Limitations on Discovery.** *See* Rule 26(f)(3)(E), Federal Rules of Civil Procedure.

1. ☒ The limitations contained in Rules 26(b), 30, and 33, Federal Rules of Civil Procedure, and in Local Civil Rules 30.1 and 36.1, will apply except as indicated below.
2. ☐ The maximum number of depositions by each party will not exceed **[number]**.
  - (a) ☐ Depositions will not exceed **[number]** hours as to any deponent.

(b) ☐ Depositions will not exceed *[number]* hours as to non-party deponents.

(c) ☐ Depositions will not exceed *[number]* hours as to party deponents.

3. ☐ The maximum number of interrogatories posed by each party will not exceed *[number]*.

4. ☐ The maximum number of requests for admissions posed by each party will not exceed *[number]*.

5. ☐ Other limitations: *[insert other limitations]*.

**G. Supplementation of Disclosures and Discovery Responses.** Please refer to Rule 26(e)(1) and (e)(2), Federal Rules of Civil Procedure. Do the parties request that the Court enter an order that is different from these rules (*e.g.* supplementation at 30-day intervals)?

Yes ☐ No ☒

### **III. Pretrial Motions.**

**A.** Are there preliminary motions as to jurisdiction, venue, arbitration, and/or statutes of limitation that should be filed within 60 days?

Yes ☐ No ☒

**B.** Motions must be served and filed within the times specified in applicable rules.

Complete the following only if the parties are proposing deadline(s) that are different from the applicable rules:

1. Motions to amend pleadings or add parties will be filed not later than **November 15, 2024**. Thereafter, a party must seek leave of the Court to modify this deadline. *See* Rule 16(b)(3)(A) and (4), Federal Rules of Civil Procedure.
2. Motions under the discovery rules will be filed not later than **February 15, 2025**.
3. Dispositive motions (including motions for summary judgment) will be filed not later than **June 15, 2025**.
4. Motions to exclude expert testimony shall be filed and served not later than **May 15, 2025**.

#### **IV. Trial.**

**A.** The case is expected to take **10** days to try.

**B.** Has a jury trial been demanded? Yes ☐ No ☒

**C.** Is the right to jury trial disputed? Yes ☐ No ☒



**D.** The parties ☐ do / ☒ do not request the scheduling of a trial date at this time.<sup>2</sup>

1. If a trial date is requested at this time, the parties' report shall include a minimum of three alternative dates for the start of the trial, at least two of which are 5 to 7 months from the close of all discovery.
2. If a trial date is not established at this time, the court will call upon the parties to certify that the case is ready for trial as provided in Local Civil Rule 40.1(b).

**V. Other Provisions.**

**A. Court Conference.** The parties ☐ do / ☒ do not request a conference with the court before entry of a scheduling order.

**B. Consent to Proceed before a Magistrate Judge.**

The parties ☐ do / ☒ do not consent to trial before a magistrate judge.

**C. Early Settlement / Alternative Dispute Resolution.**

1. Do the parties request immediate assistance by way of a settlement conference or alternative dispute resolution?

Yes ☐ No ☒

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<sup>2</sup> The decision of whether to establish a trial date at this stage of the proceedings rests with the discretion of the assigned judge. Counsel and self-represented parties are advised to contact the assigned judge's Data Quality Analyst (DQA) to determine the judge's practice for establishing a trial date.

2. Do the parties wish to consider private mediation or a settlement conference with a judicial officer of this court at a later date?

Yes ☒ No ☐

**D. Related Cases.** Are the parties aware of any related cases as defined by Local Civil Rule 16.1(e)? Yes ☐ No ☒

## **VI. Report Form.**

**A.** Have the parties experienced a problem in using this form?

Yes ☐ No ☒

**B.** Are there additional subjects that the parties would propose to add to this form?

Yes ☐ No ☒

DATED this 8<sup>th</sup> day of April, 2024 at Anchorage, Alaska.

Attorneys for Plaintiffs

/s/ Nicholas Feronti

Nicholas Feronti, AK Bar No. 2106069  
Goriune Dudukgian, AK Bar No. 0506051  
**NORTHERN JUSTICE PROJECT, LLC**  
406 G Street, Suite 207  
Anchorage, AK 99501  
(907) 308-3395 (telephone)  
(866) 813-8645 (fax)  
Email: gdudukgian@njp-law.com  
Email: nferonti@njp-law.com

\*Saima Akhtar (New York Bar No. 4661237)  
**NATIONAL CENTER FOR LAW AND  
ECONOMIC JUSTICE**  
50 Broadway, Suite 1500  
New York, NY 10004  
(212) 633-6967 (telephone)

(212) 633-6371 (fax)  
Email: akhtar@nclej.org

\*Margaret D. Craig (Mass. Bar No. 569130)

\*Kelsey Tavares (Mass. Bar No. 705934)

**DLA PIPER LLP (US)**

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Email: kelsey.tavares@us.dlapiper.com

\*Christopher M. Young (Cal. Bar No. 163319)

**DLA PIPER LLP (US)**

401 B Street, Suite 1700

San Diego, CA 92101-4297

(619) 699-2700 (telephone)

(619) 699-2701 (fax)

Email: christopher.young@dlapiper.com

\*Micah A. Chavin (Cal. Bar No. 313634)

**DLA PIPER LLP (US)**

1415 L Street, Suite 270

Sacramento, CA 95814-3976

(916) 930-3200 (telephone)

(916) 930-3201 (fax)

Email: micah.chavin@us.dlapiper.com

\*Bethany M. Bunge (Tex. Bar No. 24120730)

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845 Texas Avenue, Suite 3800

Houston, Texas 77002

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(713) 425-8401 (fax)

Email: bethany.bunge@us.dlapiper.com

*\*appearing pro hac vice*

Attorneys for Plaintiffs

Certificate of Service

I certify that on April 8, 2024, the forgoing **Scheduling and Planning Conference Report** was served on the parties via the CMECF electronic filing system:

/s/ Nicholas Feronti  
Nicholas Feronti, Northern Justice Project, LLC